

BOARD OF SHELBY COUNTY COMMISSIONERS

JANUARY 12, 2004

COMMISSION CONVENES

Deputy Sheriff Ricky Jackson

Rabbi Micah D. Greenstein, Temple Israel

ROLL CALL

CONSENT AGENDA

1. Resolution honoring Temple Israel's one hundred and fifty years of service to the community.

1A. Resolution commending Dr. L. LaSimba M. Gray, Jr., newly appointed President of the Memphis Satellite Office of Operation Push.

2. Resolution receiving and filing Oath for the office of State Representative for the Eighty-Ninth House District of Tennessee.

3. **ORDINANCE - SECOND READING – (ZTA 03-001 CC)**
Ordinance amending a Joint Ordinance amending the
Memphis and Shelby County **Zoning Ordinance-Regulations**
adopted by the Shelby County Board of Commissioners on
October 6, 1980, and the City Council of the City of Memphis
on October 7, 1980, being Resolution and Ordinance No.
3064, as amended, so as to make certain changes therein as
follows:

**Amend Section 2, “Interpretations and Definitions”
Section 26, “Overlay District Regulations” to add a new
overlay district
Section 26, FP floodplain district, paragraph 1.7**

**MOSS
APPROVED**

4. **ORDINANCE – FIRST READING -- (ZTA 03-004 CC)**
A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance - Regulations adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
- Amend Zoning Ordinance to create a new Single Family Residential Infill (R-S6 I) Zoning District and amend Chart 1 (Uses Permitted) and Chart 2 (Bulk Regulations).

**MOSS
APPROVED**

5. **ORDINANCE – FIRST READING -- (ZTA 03-005 CC)**
A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance – Regulations adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
- Amend Zoning Ordinance to amend Neighborhood Commercial (C-N) Zoning District and amend Chart 1 (Uses Permitted) to allow residential uses in the C-N District and Chart 2 (Bulk Regulations).

Zoning and Subdivisions

**MOSS
ADOPTED
(A-B)**

6. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

**KIRK
ADOPTED**

7. Resolution approving the sale of twenty-nine delinquent tax parcels from tax sale(s) 40, 42, 48, 55, 82.2, 89.4, 89.5, 89.7, 94.2, 94.4, 94.5, 95.2, 96.2, 97.4, 98.2, 99.1, and 99.2 pursuant to the provisions of the TCA 67-5-2507.

**KIRK
ADOPTED**

8. Resolution to approve an amendment between Casto Information Management Systems, Inc. (CIMS) and Shelby County Government, Information Technology for consulting services, and to appropriate funds from FY 2003/2004 Operations and Maintenance Budget, Account 010-201807-6634, Outside Consultant Fees, in the amount of \$50,000.00 for a total amount not to exceed \$100,000.00.

**THOMPSON
ADOPTED**

9. Resolution approving contract with Police Executive Research Forum in an amount of \$116,902.00 for staffing analysis services for the Law Enforcement Division of the Shelby County Sheriff's Office.

THOMPSON ADOPTED	10.	Resolution amending the budget and position control budget for the Division of Corrections to adjust for changes requested between two substance abuse programs funded by the Office of Criminal Justice Programs of the State of Tennessee.
THOMPSON ADOPTED	11.	Resolution amending the FY 2003/2004 Shelby County Operating Budget for the Memphis and Shelby County Juvenile Court as per Exhibit A to facilitate use of unexpended Juvenile Accountability Incentive Block Grant Fund 293 grant proceeds in the amount of \$63,493.00 from Tennessee Commission on Children and Youth (TCCY), State of Tennessee and to facilitate expenditure of local matching funds in the amount of \$51,396.00.
THOMPSON ADOPTED	12.	Resolution to amend FY 2003/2004 Operating Budget for the General Sessions Criminal Court Judges to allow for the expenditure of grant funds awarded to the Shelby County Drug Court by Contract #GU-03-03035-01.
THOMPSON ADOPTED	13.	Resolution authorizing the Shelby County Division of Corrections to accept and expend awarded grant funds from the U.S. Department of Education for the implementation of the “Lifting Voices” residential Lifeskills Program and amending the FY 2003/2004 Operating Budget of the Division of Corrections.
THOMPSON ADOPTED	14.	Resolution approving the contract with Women in Community Service, Inc. in the amount of \$164,625.00 from federal grant funds as a part of the “Lifting Voices” Residential Lifeskills Program at the Division of Corrections.
THOMPSON ADOPTED	15.	Resolution approving professional services contract with Consilience Group, LLC in the amount of \$12,000.00. This project is funded by the Juvenile Accountability Incentive Block Grant.
RENDTORFF ADOPTED	16.	Resolution approving lease agreement with Southbrook Mall Associates, Ltd., for office space at 1284 Shelby Drive, known as Southbrook Mall, for the Shelby County Community Services Agency Low Income Home Energy Assistance Program and appropriating funds in the amount of \$15,000.00.
RENDTORFF ADOPTED	17.	Resolution to approve Amendment #1 to the Shelby County Community Services Agency’s Community Services Block Grant Program Contract due to additional allocations from the Tennessee Department of Human Services and to amend the FY2004 Operating Budget from \$2,371,069.00 to \$2,783,254.00; an increase of \$412,185.00.
FORD ADOPTED	18.	Resolution to amend Shelby County Retirement System Plan A to increase the number of hours a retiree may work for the county and still continue to receive his pension.

FORD
ADOPTED

19. Resolution to amend Shelby County Retirement System Plan B to increase the number of hours a retiree may work for the county and still continue to receive his pension.

RENDTORFF
ADOPTED

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

Ordinances

MOSS
(DEFERRED
TO 01/26/04)

20. ORDINANCE – THIRD READING – An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of Construction Code Enforcement and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; creating Code Advisory Boards and Licensing Boards; adopting the current Shelby County Construction Codes as the Memphis and Shelby County Construction Codes; and authorizing the mayors of the City of Memphis and the County of Shelby to execute said agreements.

Zoning and Subdivisions

MOSS
(DEFERRED
TO 01/26/04)

21. CASE NO. Z 03-109 CC
(companion case to 3rd Reading [12/8/03] Ordinances ZTA 03-001 CC and STA 03-001 CC)
APPLICANT: Memphis and Shelby County Office of Planning and Development and City/County Public Works

LOCATION: Fletcher Creek Drainage Basin, north of Shelby Farms between Summer Avenue on the west, Berryhill Road on the east and Memphis Arlington Road on the north.

REQUEST: 1. Amend various sections of the Memphis and Shelby County Zoning Ordinance and Subdivision Regulations to create an overlay district for the Fletcher Creek Drainage Basin.
2. Designate the area within the Fletcher Creek Drainage Basin as the Fletcher Creek Drainage Basin (FCD) Overlay District.

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL

Memphis and Shelby County Land Use Control Board
recommendation:
APPROVAL

(Notice of public hearing published in the Daily News on
Friday, October 17, 2003.)

MOSS
(DEFERRED
TO 02/09/04)

22. CASE NO. P.D. 03-355 CC
APPLICANT: Nellie B. Hamilton/Rusco Company
- LOCATION: North side of Holmes Road; +4,000 square
feet east of Hacks Cross Road
- REQUEST: A planned development to permit 106 single
family detached lots with a typical lot size of
8,750 square feet within the plan.

Memphis and Shelby County Office of Planning and
Development recommendation:
REJECTION

Memphis and Shelby County Land Use Control Board
recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on
Friday, December 12, 2003)

MOSS
(DEFERRED
TO 02/09/04)

23. CASE NO. Z 03-124 CC
APPLICANT: Toni Cox and Albert Nicholson
- LOCATION: West side of Brunswick Road at Davies
Plantation Road
- REQUEST: Taking property out of the Agricultural (AG)
Use District and including in the Residential
Estate (R-E) Use District

Memphis and Shelby County Office of Planning and
Development recommendation:
APPROVAL

Memphis and Shelby County Land Use Control Board
recommendation:
APPROVAL

(Notice of public hearing published in the Daily News on
Friday, December 12, 2003.)

**MOSS
ADOPTED**

24. **CASE NO. P.D. 03-361 CC**
APPLICANT: Shelby Park Joint Venture
- LOCATION:** West side of Raleigh-LaGrange Road; +/-125 feet northwest of Mullins Station Road
- REQUEST:** Single family residential 115 lots;
Multi family residential 358 units; and
Planned commercial 4.29 acres
- Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS
- Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS
- (Notice of public hearing published in the Daily News on Wednesday, December 31, 2003.)

Reports and/or Resolutions for Standing Committees

**KIRK
(DEFERRED
TO 01/26/04)**

25. Resolution to freeze the Shelby County Position Control Budget at the current positions and salaries except for increases provided by current policy.

**KIRK
(DEFERRED
TO 01/26/04)**

26. Resolution establishing the budget process for the fiscal year ending June 30, 2005, and all subsequent fiscal years.

**KIRK
ADOPTED**

27. Resolution by the Board of Commissioners of Shelby County, Tennessee, approving contract with Baker Donelson Public Strategies, Inc. for the provision of governmental relations and lobbying services for matters before the Tennessee General Assembly.

**KIRK
ADOPTED**

28. Resolution approving contract with CS3, Inc., to install two Centrifugal Chillers for the Criminal Justice Center at 201 Poplar, appropriating funds in the amount of \$821,200.00 from the FY 2003/2004 Budget for CIP Project No. 101505, Justice System: Criminal Justice Center; and appropriating an extra work allowance in the amount of \$40,800.00 from the FY 2003/2004 Budget for CIP Project No. 101505, Justice System: Criminal Justice Center.

**WILLINGHAM
ADOPTED**

29. Resolution establishing an issue and dispute resolution procedure for FedEx Forum Arena documents and related issues.

RENDTORFF ADOPTED	29A.	Resolution approving the delegate contract between Shelby County Government and Primary Preparatory, Inc., for the grant year January 1, 2004 through December 31, 2004.
RENDTORFF ADOPTED	29B.	Resolution approving the delegate contract between Shelby County Government and The Healing Center for the grant year January 1, 2004 through December 31, 2004.
BOLTON ADOPTED	30.	Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 36, Chapter 3, Section 606, relative to <u>Protection Orders</u>.”
BOLTON ADOPTED	31.	Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 68, Chapter 120, Section 101, relative to the adoption of <u>Building Construction Safety Standards</u>.”
BOLTON ADOPTED	32.	Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 40, Chapter 25, Section 107, relative to <u>county expense fees for misdemeanors</u>.”
BOLTON ADOPTED	33.	Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 40, Chapter 35, Section 303, relative to <u>determination of probation period</u>.”
BOLTON ADOPTED	34.	Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 36, Chapter 13, Part 1, so as to create a misdemeanor offense for <u>violations of orders of protection</u>.”
BOLTON ADOPTED	35.	Resolution approving legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 8, Chapter 21, Section 901, relative to <u>Sheriff’s fees</u>.”
BOLTON ADOPTED	36.	Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 29, Chapter 20, Section 205, relative to exceptions to the <u>Governmental Tort Liability Act</u>.”

**BOLTON
ADOPTED**

37. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 38, Chapter 7, Section 104, relative to county medical examiners.”

**BOLTON
ADOPTED**

38. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 55, Chapter 6, Section 104, relative to Motor Vehicle Registration fees.”

**BOLTON
ADOPTED**

39. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 16, Chapter 15, Section 5006, relative to financial responsibility of counties – Litigation Tax for Counties.”

Announcements/Statements

40. Notification from county mayor of various appointments/ reappointments to Boards, Commissions, and offices of Shelby County Government.
- a. Resolution nominating Jim Etheridge and Jon Thompson for reappointment to the Memphis and Shelby County Airport Authority Board for a term of seven (7) years. (Comm #7)
 - b. Resolution nominating Johnnie Turner and Isaac Northern for reappointment, and Jerry Edmonds and Bill McGaughey for appointment to the Shelby County Health, Education, and Housing Facility Board for a term of six (6) years. (Comm #11)

Adjournment

**THOMPSON
ADOPTED**

41. Resolution of Adjournment to January 26, 2004, at 1:30 p.m.

AGENDA # 6
JANUARY 12, 2004

6A

SUBDIVISION: RIVER GROVE ESTATES P.D., PHASE 1 (P.D. 00-342 CC)

DEVELOPER: RUSCO COMPANY

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO RIVER GROVE ESTATES P.D., PHASE 1 (P.D. 00-342 CC)

LOCATION: SOUTH SIDE OF HOLMES ROAD; -/+2640 FEET EAST OF RIVERDALE ROAD

6B

SUBDIVISION: ROYAL OAKS P.D., PHASE 3, AREA A (P.D. 00-351 CC)

DEVELOPER: CROSSMAN COMMUNITIES OF TN, LLC

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO ROYAL OAKS P.D., PHASE 3, AREA A (P.D. 00-351 CC)

LOCATION: 135 FEET NORTH OF INTERSECTION OF NORTHDAL DRIVE AND NORTHWOOD HILLS DRIVE

[For questions regarding the Agenda, please call
Grace Hutchinson, Chief Administrator, at 545-4301.]